

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:17-cr-0043-JPH-TAB
)	
RYAN A. IVY,)	- 01
)	
Defendant.)	

REPORT AND RECOMMENDATION

On August 6, 2021, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on July 8, 2021. Defendant Ivy appeared in person with his appointed counsel Michael Donahoe. The government appeared by James Warden, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Jamie Roberts.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Ivy of his rights and ensured he had a copy of the Petition. Defendant Ivy orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Ivy admitted violation numbers 1 and 2 as set forth in the Petition. [Docket No. 56 .]
3. The allegations to which Defendant admitted, as fully set forth in the Petition, are:

**Violation
Number**

Nature of Noncompliance

1

“You shall refrain from any unlawful use of a controlled substance.”

On June 28, 2021, Mr. Ivy provided a urine sample for testing and admitted to using methamphetamine and heroin within the previous five days, and marijuana within the previous two weeks. The sample tested positive for amphetamines, benzodiazepines, buprenorphine (prescribed), cannabinoids, cocaine, fentanyl, Methylenedioxymethamphetamine (MDMA), methadone, opiates, oxycodone, and phencyclidine (PCP).

2

“You shall participate in a substance abuse or alcohol treatment program approved by the probation officer and abide by the rules and regulations of that program.”

Mr. Ivy is enrolled in the dual-diagnosis program with the Eskenazi Mental Health Center. He failed to attend his two individual treatment sessions in June 2021. Mr. Ivy was scheduled for intake at Valle Vista to participate in their medically-assisted detoxification on July 2, 2021. He failed to report and did not participate in the program as instructed by his treatment provided.

4. The Court finds that:

- (a) The highest grade of violation is a Grade B violation.
- (b) Defendant’s criminal history category is VI.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 21 to 24 months’ imprisonment (24 months being the maximum period of incarceration allowed).


5. The parties jointly recommended a sentence of twenty-one (21) months incarceration with no supervised release to follow. Defendant requested placement at the Federal Correctional Complex at Marion, Illinois with participation in a drug treatment program.

The Magistrate Judge, having considered the factors set forth in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the Petition, and recommends that Defendant's supervised release be revoked, and that Defendant be sentenced to the custody of the Attorney General or his designee for a period of twenty-one (21)

months, with no supervised release to follow. The Magistrate Judge further recommends Defendant's placement at the Federal Correctional Complex at Marion, Illinois, and recommends that Defendant be placed in an intensive drug treatment program. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to this Report and Recommendation.

Dated: 6 AUG 2021



Mark J. Dinsmore
United States Magistrate Judge
Southern District of Indiana

Distribution:

All ECF-registered counsel of record via email generated by the court's ECF system